

Lynnwood Municipal Court

Managing Requests for Public Records GR31.1

What is a public administrative record?

- Any writing (broadly defined);
- Relating to the conduct/performance of government; and
- Prepared, owned, used or retained by any state or local court or judicial branch agency.

Emails are disclosable! Responsive records include hard copy files, e-mails, electronic records, notes and photographs – anything that documents county business. If a responsive email includes an attachment, the attachment may also be disclosable.

At a minimum, a person seeking public documents must identify or describe the documents with sufficient clarity to allow agency to locate them. [Levy v. Snohomish County, 167 Wn. App. 94, 272 P.3d 874](#) (2012). Records are identifiable when there is a “reasonable description enabling the government employee to locate the requested records.” *Bonamy v. Seattle*, 91 Wn. App. 403, 960 P.2d 447 (1998). If a records request does not specify identifiable public records, the responding agency is justified in asking for clarification. [Kleven v. City of Des Moines, 111 Wn. App. 284, 44 P.3d 887](#) (2002).

What is the definition of a public record as it applies to courts?

“Public record” includes any writing, except chambers records and court records, containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any court or judicial agency regardless of physical form or characteristics. “Public record” also includes metadata for electronic administrative records. GR 31.1 (i)

“Administrative record” means a public record created by or maintained by a court or judicial branch agency and related to the management, supervision, or administration of the court or judicial branch agency. GR 31.1 (i)

What to look for/do when you receive a request

GR 31.1 requires requests for records to be made in writing, in contrast to the Public Records Act (PRA), which requires a response from the Public Records Officer (PRO) regardless of how records are requested. If a public disclosure request is submitted and is unclear, the request can often be clarified with a phone call to the requestor, and subsequently documented in writing by the requestor.

Public disclosure requests cannot be denied for being overbroad. There are procedures that the public records officer may employ in order to clarify or mitigate time needed to respond to the request in full, including requesting clarification and requesting a deposit for records in advance of provision of each installment. The court or judicial agency must attempt to reach agreement with the requester as to narrowing the request to a more manageable scope and as to a timeframe for the court’s or judicial

agency's response, which may include a schedule of installment responses. If the court or judicial agency and requester are unable to reach agreement, then the court or judicial agency shall respond to the extent practicable and inform the requester that the court or judicial agency has completed its response. GR 31.1(c)(6)

Requestors may be unfamiliar with GR 31.1. Look for language such as public records/public disclosure request, Public Records Act or its acronym "PRA", the Freedom of Information Act or its acronym "FOIA".

Deliver the request to your designated PRO immediately.

What if records are requested that are contained in the legal file?

[GR 31](#) pertains to Access to Court Records maintained by the court. GR 31.1 defines these as "case records." The court or the court administrator should have procedures outlined for the public to request case records, so these types of requests should be referred to the Court Administrator, Judicial Branch Agency Administrator or the Administrative Office of the Courts - Data Dissemination Administrator. For Judicial Information Systems (JIS) records there is a form located at <http://www.courts.wa.gov/datadis/>

What are our obligations?

Initial response to an administrative records request is required in writing within five (5) business days; this may or may not include provision of records, depending on the breadth or complexity of the request.

With particularly voluminous requests, the court may make records available for initial inspection by requestor in order to determine which records are to be copied/provided.

Requestors may ask for records in hard copy or in native format, and may also request metadata associated with the record(s); response must be provided in preferred format.

What do I need to do if asked to provide responsive records?

Provide all requested records to the court or judicial branch agency's PRO even if you believe an exemption applies. A government entity cannot withhold a record or a portion of a record without documenting both the withholding and the reason for withholding in writing. An entire document cannot be withheld when only a portion of the document is not publicly accessible.

Provide all requested records to the court or judicial branch agency's PRO even if you believe the record is duplicative or someone else has a copy.

Track all time associated with researching records. Per *GR 31.1 (h) (4)*, "a fee not to exceed \$30 per hour may be charged for research services required to fulfill a request taking longer than one hour. The fee shall be assessed from the second hour onward."

Do not redact any information when providing records to the PRO, although you should make note of those documents that you believe are exempt or contain information that should be redacted. Final decisions regarding exemptions and redactions are made by the PRO with guidance of GR 31.1 and, if necessary, the local court's prosecuting attorney's office or the judicial branch agency's counsel. An

exemption log must be completed if any records are withheld, and reference to exempted records (including exemption authority) must be included in the response to the requestor.

Any requests for personnel records must be forwarded to the public records officer for coordination with the court or judicial branch human resources department. Many staff assume that nothing in a personnel file is subject to public disclosure; however, many personnel records are subject to disclosure.

What are the types of records exempted from disclosure?

Proposed GR 31.1 (j) and (l) provides a description and list of applicable exemptions, a summary of which is as follows:

The public has a presumptive right of access to court and judicial agency administrative records unless access is exempted or prohibited under this rule, other court rules, federal statutes, state statutes, court orders, or case law.

The Public Records Act, [chapter 42.56 RCW](#), is deemed to provide guidance as to whether a specific record is subject to disclosure in the event a request is ambiguous or may be prohibited. Because of similarities, interpretations of the federal Freedom of Information Act ([FOIA, 5 U.S.C. § 552](#)) are also helpful in construing the language GR 31.1 and the PRA.

Some of the specific exemptions outlined in the rule include:

- Minutes of meetings held by judges within a court and staff products prepared for judicial discussion or decision-making during the meeting;
- Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended, unless if publicly cited by a court in connection with court business;
- Evaluations and recommendations concerning candidates seeking appointment or employment within a court or judicial agency;
- Personal identifying information, including individuals' home contact information, SSN, Driver's License numbers and identification/security photographs;
- Documents related to requests for expert, investigator or other services, including any report or findings by same, and invoicing/payment of the expert, investigator, or service provider.

Additional Resources:

Public Records Officer: **Paulette Revoir** (425) 670-5102 email: prevoir@ci.lynnwood.wa.us

State of Washington Court Rules: [GR 31](#) (Access to Court Records) and GR 31.1 (Access to Administrative Records)

Public Records Act, [chapter 42.56 RCW](#)

Freedom of Information Act ([FOIA, 5 U.S.C. § 552](#))

Public Records Guidelines and Associated Documents (page will be populated with guidelines):